

**Environmental Justice Advisory Council**  
**Meeting Minutes**  
**April 1, 2009**

In attendance: Kathy Abbott, Stewart Abrams, Ana Baptista, Theodore (Ted) Carrington, Colandrus (Kelly) Francis, Joann Held, Zachary Lewis; Jerry Fagliano & Sharon Kubiak (DHSS), and Maria Franco-Spera (DEP)

Absent: Valorie Caffee, Kim Gaddy, Juanita Joyner, Mujahid Majeed, Don McCloskey, Kevin Moore, Rafael Zabala

Guests: Acting Commissioner Mark Mauriello, Deputy Commissioner Jay Watson, Director Jeanne Herb, Steve Anderson, Ed Putnam, Ken Petrone

In the absence of Chairwoman Caffee, the meeting was called to order by Ana Baptista at about 10:10 am.

Cumulative Impacts Report (Ana Baptista, Kathy Abbott, Joann Held)

At this meeting, the Cumulative Impacts Report was officially presented to DEP! Ana Baptista provided a brief overview of the primary recommendations in the report. This was interspersed with remarks by Commissioner Mauriello and others, and followed by a general discussion of ways to implement the recommendations.

*Vulnerable and Burdened Communities:* Sometimes a community may be a whole municipality, but it is more often a neighborhood designation. Vulnerable and burdened communities can be identified using the Faber & Krieg model as a starting point. Nicky Sheats & Peter Montague met with Jerry Fagliano & Steve Anderson over a year ago to prepare an initial list of datasets that could be used in this process; so the work could begin soon.

*Additional Analysis & Reduced Impacts in Hot Spot Areas:* At the same time that communities are being identified, checklists and procedures for additional analysis should be developed. The heart of the issue, however, is making it known that agencies like the DEP will be “paying more attention” to the cumulative impacts that are occurring or may occur in these communities.

Acting Commissioner Mauriello: We can start by thinking about what will be different for these communities once we start down this path. DEP can also begin by looking at existing authorities and rules in the short-term (e.g. the cumulative impact language in CAFRA).

*Statewide Pollution Reductions:* This departure from case-by-case pollution permit review should also be pursued. Acting Commissioner Mauriello agreed that statewide ratcheting down of emissions (with particulate matter as a good example) will be especially beneficial to these burdened communities.

*Technical Tools:* This could move along quickly with limited resources if the DEP will seize opportunities that arise to collaborate with DHSS and partner with Academics.

*Municipal Officials:* Since most land use decisions are made at the municipal level, these officials must be involved in addressing cumulative impacts. The California Air Resources Board (CARB) has issued a land use handbook for municipalities that could be a good model and taps some of the authorities that municipalities already have.

Jeanne Herb acknowledged that outreach to Municipalities is an area that certainly needs further attention. Acting Commissioner Mauriello believes that working with the League of Municipalities and with ANJEC will be very effective.

*Citizens:* We need to go beyond the standard public notice and public meetings. New York State has experimented with Technical Assistance Grants, which cost very little money but are quite helpful. There are also California models for this improved approach.

*Union Members & Other Workers:* Cooperation with workers in polluting environments can help to reduce cumulative impacts in the workplace and beyond. Valorie Caffee should be tapped for a more in-depth discussion of this.

*Programs Outside DEP:* To encourage active participation by agencies outside the DEP, it might be best to focus on a specific project; for example, select an issue identified by the vulnerable and burdened analysis, or perhaps ask agencies to contribute indicator data relevant to their agencies.

Commissioner Mauriello: DEP needs to be strategic in working with DOT, DCA and other agencies in directing their attention and effort.

*Implementation Issues:* Since the first step is ranking communities in order to identify those in most need of assistance, there is some concern about the public reaction to this ranking. The primary message should be that these are communities that the state is going to help, and include an emphasis on public health improvement. We need to show the benefits, not just the negative side of red spots on a map.

Jay Watson: What was the response in Massachusetts to having so many municipalities flagged? Acting Commissioner Mauriello recommended that we avoid the distractions of a map at the outset. He also noted that how you describe a problem can be important. For example, speaking of land use decisions to “protect flood plains” and to “protect people from flood hazard” can be heard in very different ways.

Jeanne Herb said that she is working on adding Environmental Justice to the Sustainable Jersey program.

#### Ringwood Superfund Update (Ed Putnam and Ken Petrone)

Ed Putnam is the Assistant Director for Publicly Funded Remediation at the DEP, and Ken Petrone is the DEP Project Manager for the Ringwood Superfund Site. They presented a map showing dump sites, mine areas, sludge sites, pits and homes in this very complicated region.

Many different organizations have been doing removal work in Ringwood. Ford’s contractor Arcadis has done removal work for Ford (with USEPA overseeing the work); the Town has removed tires and some recyclables; and the DEP has removed other materials. On-going exposure should have ceased, since surface contamination has been removed, and major areas of soil contamination have been fenced. The sites are now in the RI/FS (Remedial Investigation/Feasibility Study) stage. Litigation has impacted the DHSS and DEP interaction with the community.

Very low levels of benzene contamination have been found in the groundwater adjacent to one of the pits. The community is on Public Water from the Wanaque Reservoir, which is being closely monitored following normal procedures.

The DHSS had done some medical evaluations (in about 2005) and is now collecting additional information (Jerry Fagliano). The DEP volunteered to do the residential investigation, but they only have access to 12 homes so far. They are preparing a scope of work for soil sampling and test pitting at these homes.

USEPA has established a Community Advisory Group which is having monthly meetings. DEP and DHSS staff also attends these meetings to provide technical reports as needed. Michael Lithcott has been hired to be moderator for the group.

### Site Remediation Reform Act (Ed Putnam)

The Site Remediation Reform Act has passed both chambers of the Legislature and is awaiting the Governor's signature. The Act establishes mandatory timeframes for cleanup, and allows the use of Licensed Site Professionals (LSP) to manage the clean-ups. DEP is responsible for audits and will have increased oversight for some priority sites. The criteria for designating the priority sites are included in the legislation.

DEP has the lead on remedy selection for certain situations such as Day Care Centers. They will do random audits on 10% of the sites, and there are criteria requiring automatic audits for other sites. There is also a list of Presumptive Remedies. The current public participation process will remain.

There will be 11 persons on the LSP Oversight Board, including one representative from the DEP. EJAC could nominate a representative to the LSP Board. The DEP is trying to get a Temporary LSP program in place within 6 months. Anyone can request that the Board look into any action at a site concerning performance of an LSP. There are two enforcement tracks. One is against Responsible Parties by the DEP; the other is against an LSP by the LSP Board.

Every LSP will be audited over a 5-year period. A website will provide access to the whole record of each LSP.

### Adoption of the March 4, 2009 Minutes

Ted Carrington moved that the minutes be adopted as submitted, and Kathy Abbott seconded the motion. The motion was passed unanimously.

### NJDEP Report (Maria Franco-Spera)

Justin Lambert was not able to attend today's meeting. However, he sent materials to Valorie Caffee which were distributed at the meeting.

*Housing Development in Camden:* Kelly Francis has requested that the DCA stop the Michael Development in Centerville (aka Roosevelt 9 and 10 project). Last month Justin offered to contact DCA to find out about their response. With his e-mail to Valorie, Justin provided a letter from DCA Commissioner Doria to James Harris (President, NJ State Conference, NAACP), along with local resolutions in favor of the Roosevelt 9 and 10 project. The EJAC recommends that Valorie ask Justin to follow-up with DCA to request a "cross agency meeting" as described near the end of the Doria letter.

*Schools Development Authority (SDA):* Justin had follow-up conversations regarding health and safety issues to be considered in site approvals for schools. In Justin's e-mail he describes some of the extra precautions that the SDA has put in place to guarantee safe and healthy schools. EJAC members should review this information and share any additional concerns or questions with Valorie.

*Weatherization Funds:* In March, Kelly Francis asked if Hope 6 Projects (under HUD) which have been converted from public to private housing (but still have low income residents living there) would be eligible for this funding. Justin looked into this and found that the program uses an income-threshold to determine eligibility for the funds, so that all individuals that meet the requirement are eligible regardless of where they live.

*EJ Coordinator:* Maria reported that the Department has narrowed their search for a new coordinator down to 3 candidates.

Announcements

**Earth Day** (Ted Carrington): On Earth Day, April 22, at Noon the NJEJA, GreenFaith, and others will hold a Prayer Vigil and Education on EJ Issues on the steps of the State Capitol. They will also be making 7 recommendations.

**Environmental Federation** (Ana Baptista): The Environmental Federation annual conference will be held on Saturday, April 4, in Newark at the Rutgers Law School. Acting Commissioner Mark Mauriello will be on a panel with Ana and with Nicky Sheats. Governor Corzine will also take part in the Conference.

**Green Expo** (Ted Carrington): The PSE&G Green Expo will be held at the Convention Center in Somerset on April 3-5. Rev. Fletcher will speak on Sunday.

The meeting adjourned at 12:15pm.

Next Meeting: The next meeting of EJAC will be held on May 6, beginning at 10am in the 7th Floor Large Conference Room.

Minutes respectfully submitted by Joann Held, Secretary